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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,503	10/15/2004	Viktor Vladimirovich Dmitriev	DMITRIEV ET AL 1 PCT	4202

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EXAMINER

HRUSKOCI, PETER A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,503

Applicant(s)

DMITRIEV ET AL.

Examiner

Peter A. Hruskoci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The disclosure is objected to because of the following informalities: In the specification on pages 8 and 9 Tables 1-3, the commas should be changed to decimal points.

Appropriate correction is required.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 “reiterated cycles” and “frequency...Hz” are vague and indefinite because it is unclear how these terms further limit the claims. In claim 4 “the electrocoagulator” lacks clear antecedent basis. Claims 5 and 6 depend from claim 4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnaud 6,582,592 or Gavrel et al. 6,719,894. Arnaud (see col. 6 line 36 through col. 8 line 10) and Gavrel et al. (see col. 3 line 15 through col. 5 line 31) disclose a method of treating polluted or waste water by electrocoagulation substantially as claimed. The claim differs from Arnaud or Gavrel et al. by reciting that the method steps include specific pressure and frequency ranges. It is submitted that the pressure and frequency utilized in the methods of Arnaud and Gavrel et al. appear to be patentably indistinguishable from the pressure and frequency recited in the instant claims. It would have been obvious to one skilled in the art to modify the method of Arnaud or Gavrel et al. by utilizing the recited pressure and frequency ranges, to aid in coagulating solids in the polluted water. The specific pressure and frequency ranges, and cycles utilized, would have

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been considered an obvious matter of process optimization to one skilled in the art, depending on the specific water treated and results desired, absent a sufficient showing of unexpected results.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnaud 6,582,592 or Gavrel et al. 6,719,894 as above, and further in view of RU 2140880 Abrosimov et al. The claim differs from Arnaud or Gavrel et al. by reciting that the electrocoagulation is followed by gravitational separation at a specific pressure. Abrosimov et al. disclose (see Abstract) that it is known in the art to utilize electrocoagulation and pressurized gravitational separation to aid in treating waste water. It would have been obvious to one skilled in the art to modify the method of Arnaud or Gavrel et al. by utilizing the recited gravitational separation, in view of the teachings of Abrosimov et al., to aid in separating coagulated solids in the polluted water. The specific pressure utilized, would have been considered an obvious matter of process optimization to one skilled in the art, depending on the specific water treated and results desired, absent a sufficient showing of unexpected results.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnaud 6,582,592 or Gavrel et al. 6,719,894 as above, and further in view of RU 2146655 Abrosimov et al. The claim differs from Arnaud or Gavrel et al. by reciting that the electrocoagulation is followed by separation in a specific IR-spectrum electromagnetic radiation. Abrosimov et al. disclose (see Abstract) that it is known in the art to utilize electrocoagulation and IR spectrum radiation separation to aid in purifying sewage. It would have been obvious to one skilled in the art to modify the method of Arnaud or Gavrel et al. by utilizing the recited IR-spectrum separation, in view of the teachings of Abrosimov et al., to aid in purifying the polluted water. The specific heating power utilized, would have been considered an obvious matter of process optimization to

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one skilled in the art, depending on the specific water treated and results desired, absent a sufficient showing of unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

9/30/06